G. R. S. IX-5]

Previous references.

1916.

(Genl)

Later references.

File No. 174-16

Serial Nos. 16-116

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for December 16

SUBJECT.

Trading with the Enemy

SC 26 Vol 548 D 2-12-16 To The T.A. Resident Stabs with reference to SC 16 that there does not exist any hostile firm within the Mpome State

W D 88—GPB—50,000—24-7-16

Inv 9-12-16

G. R. S. III

1916-17

GENERAL AND REVENUE SECRETARIAT.

(for.)

NOTES.

File No. 174-16

FILE HEADING.

Trading with the Enemy

From

The F. A. Resident

No. 6576 Dated 16.9.16 Received 18-9-16

Diary No. 2624	Enclos. 2 Spare Copies.	Serial No. 16

BRIEF ABSTRACT OF LETTER.

Forward, a copy of the Enemy Trading Ordinance 1916 (V of 1916) and of the Rules framed under Sec. 5 of that Ordinance and express, there are any firms in the Mysore State which come within the definition of 'Hostile Firm' in Sec. 2 of the Ordinance, [illegible] for taking [illegible] action [illegible]

NOTES AND ORDERS.

Submitted with a draft

Issue 25/9/16

NOTES -First Sheet.

3305

(C. R. S. 12)

General and Revenue Secretariat.

File No. 174 of 1916

Serial No.

1. From the Collector of Madura
to the Govt. No. 6 dt. 10.6
[illegible]

2. From the Dt Magte-Kolar Dt. No. 49, 4/13 & 3-11
[illegible]
Magte. Tanjore Dt. No. Dis 43
& 1 Encl 16. [illegible]
The replies from the other Districts may be awaited.
16.10.16. 19/10/16

3. From the Dy Comr Shimoga Dt. No. 4/11 & 11-10-16
[illegible]
Submitted with a draft reminder to the other Dt Magistrates from whom replies to Sl 1 have not been recd.
Issue 24/10/16

4. From the D.C. Chitaldrug Dt. No. 58 & 23.10.1916

P. C. 2000. 17-12-15.

[A. R. S. 12]

General and Revenue Secretariat.

File No. 174 of 1916.

Serial No.

1 A reminder to the other Dy: Comrs. was issued on the 30th ultimo. Their replies will be awaited

Recd 1/11/16

Sd/-

[illegible]

[illegible]

24 From — do — [illegible] dt. 6-11-16

[illegible]

From the [illegible] dt. 3-11-16

[illegible]

The only reply due is from the St. Magistrate Insane. A draft reminder to him is submtd for approval

Recd 10/11/16

Sd/-

9 Issue 11/11/16

[illegible]

10 No reply having been received from the St. Magistrate Insane another reminder is submtd

Recd 21/11/16

Sd/-

11 Issue 21/22/11/16

The reminder was not issued as the reply has since been received

23 From the St Magistrate Insane dt. No. 49 dt 22-11-16

[illegible]

1 Submitted with a draft reply to the Residency

Recd 30/11/16

Sd/-

13 Issue 1/12/16

NOTE—Contn. sheet.

G. R. S. 12]

General and Revenue Secretariat.

G. R. File No. 174 of 1916.

Serial No.	
26	To: D. G. Revenue [illegible]

NOTE—Contn. sheet

GEN. & REV. SEC.
16 SEP 1916

...RENT.

No. 6576

From

MAJOR T. H. ST. GEORGE TUCKER,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

DIARY NO. 26.24

To

The Dewan of Mysore.

19 -19
SECRET
POLITICAL
GENERAL

Dated Bangalore, 16th September 1916.

SIR,

In forwarding a copy of the Enemy Trading Ordinance, India, (V of 1916), and of the rules framed under section 3 of that Ordinance, I am directed to invite reference to the definition of "hostile firm" in section 2 of the Ordinance and to enquire whether there are any firms in the Mysore State which come within that definition. In the event of the reply being in the affirmative and of His Highness's Government considering it desirable to take similar action to that being taken in British India, the Resident, I am to say, will be glad to furnish the necessary further and fuller particulars. The favour of an early reply is requested.

I have the honour to be,

Sir,

Your most obedient servant,

T. St. G. Tucker.

First Assistant Resident.

R. O. 2.—R. P. B.—6-1916.—1,000.

6

DATED SIMLA, the 27th JUNE 1916.

NOTIFICATION BY THE GOVERNMENT OF INDIA, LEGISLATIVE DEPARTMENT.

An Ordinance to prohibit or control trading by hostile foreigners and hostile firms and for other purposes.

- - - - - -

Ordinance No.V of 1916

X X X X X

3. In this Ordinance --

"Company" means any company, firm or association, or body of individuals whether incorporated or not;

"Hostile foreigner" means a subject of a State for the time being at war with His Majesty, and includes any company constituted according to the laws of such State, and the ruler or government of any such State; and

"Hostile firm" means any of the following, namely, --

(a) any hostile foreigner who has, or at any date subsequent to the 3rd day of August, 1914, had, an office, agency or place of business in British India;

(b) any company of which any member or officer is a hostile foreigner, or of which a hostile foreigner was a member or officer on the 3rd day of August, 1914, and which has or has had since that date an office, agency or place of business in British India;

(c) any person, or company who or which has, at any time since the 3rd day of August, 1914, carried on business in British India, and whose business is, or was, in the opinion of the Governor General in Council, either by reason of its nature or of the persons who carry or carried it on, or for any other cause whatsoever, carried on either under the control whether direct or indirect of any hostile foreigner, or carried on wholly or mainly for the benefit of hostile foreigners generally, or any class of hostile foreigners or any individual hostile foreigner.

X X X X X

- - - - - - - -

"E X T R A C T"

For Secretary to Government, Genl.Deptt.

No. 6200-W. II.

Dept. of Commerce and Industry.

NOTIFICATION.

COMMERCE AND TRADE.

Simla, the 22nd July, 1916.

IN exercise of the powers conferred by section 5 of the Enemy Trading Ordinance, 1916, (hereinafter called the Ordinance), the Governor General in Council is pleased to make the following Order, namely :— V of 1916.

1. This Order may be called the Enemy Trading (Winding up) Order, 1916.

Short title.

2. The provisions of the Indian Companies Act, 1913, in regard to the winding up of a company by the Court (hereinafter called the applied provisions) shall apply to the winding up of hostile firms under section 5 of the Ordinance, subject to the exceptions, restrictions, extensions and modifications hereinafter contained in this Order. VII of 1913.

Application of provisions of the Indian Companies Act, 1913, relating to winding up by the Court.

3. (*1*) The following expressions shall, unless the context or subject-matter otherwise requires, be substituted in the applied provisions for the expressions hereinafter particularly mentioned, that is to say—

Construction of the applied provisions

'Hostile firm' for 'Company';

'Government,' that is to say, 'The Governor General in Council, or when the powers of the Governor General in Council have been delegated to a Local Government that Local Government' for 'Court';

'Liquidator of hostile firms' for 'Official Liquidator'; and in cases where the hostile firm is not an incorporated company, 'Partner' for 'Director', 'Secretary', 'Secretary or Chief Officer', 'Member' or 'Shareholder';

'Principal place of business' for 'Registered office.'

(*2*) For the purpose of facilitating the application of the said provisions such provisions may be construed with such alteration not affecting the substance as may be necessary or proper to adapt them to the matter under disposal.

(*3*) The Government, in any case of doubt as to the construction of any expression in the applied provisions, may by order declare the proper construction of any such expression in respect of the particular matter in question.

4. In any case where the Governor General in Council has made an order under section 4 of the Ordinance, he may direct that all proceedings in the winding up be transferred to a Local Government, and he may at any time direct that such proceedings be transferred to any other Local Government, and thereupon in such case such Local Government shall exercise all powers conferred upon the Governor General in Council under the applied provisions.

Power to delegate powers to Local Governments in winding up proceedings.

Date of commencement of winding up order.

5. A winding up order made under section 4 of the Ordinance shall be deemed to commence from the date of the notification in the Gazette of India directing such winding up :

Provided that, where a hostile firm is being liquidated under a license granted under the Hostile Foreigners (Trading) Order, the Government may by the winding up or any subsequent order provide for the adoption of all or any proceedings in such liquidation for the purposes of such winding up.

Insolvent hostile firms.

6. If, in the opinion of the liquidator of hostile firms, any hostile firm in respect of which a winding up order has been made under section 4 of the Ordinance is insolvent, such liquidator shall forthwith report the fact, together with the grounds of his opinion, to Government, and the Governor General in Council shall pass such special order in respect of such firm as appears to him to be necessary in the circumstances of the case.

VII of 1913.

Exclusion of provisions of certain parts of the Indian Companies Act, 1913.

7. The following sections of the Indian Companies Act, 1913, shall not apply to winding up proceedings under section 5 of the Ordinance, namely, sections 183, sub-sections (*1*) and (*2*), 184, 186, 187, 188, 189, 190, 192, 196, 197, 199, 200, 201 and 202, and any reference in any of the applied provisions to contributories.

VII of 1913.

Delegation of powers under section 195 of the Indian Companies Act, 1913.

8. The powers of the Court under section 195 of the Indian Companies Act, 1913, may be exercised by any person, not being the liquidator of hostile firms, whom the Governor General in Council may empower in this behalf.

Enforcement of orders.

9. All orders made by Government under the applied provisions or this Order may be enforced in the same manner in which orders of any Court exercising jurisdiction under the Indian Companies Act, 1913, may be enforced.

VII of 1913.

Disclaimer of onerous property.

10. Where any part of the property of a hostile firm consists of land, of any tenure burdened with onerous covenants, or shares or stocks in companies of unprofitable contracts or of any other property that is unsaleable, or not readily saleable by reason of its binding the possessor thereof to the performance of any onerous act or to the payment of any sum of money, the liquidator of hostile firms may, notwithstanding that he may have endeavoured to sell or have taken possession of the property or exercised any act of ownership in relation thereto, at any time within twelve months after the date of the order to wind up or after he first became aware of such onerous property, whichever date shall be latest, disclaim the property.

Operation of disclaimer.

11. The disclaimer shall operate to determine as from the date thereof the rights, interests and liabilities of the hostile firm in or in respect of the property disclaimed, and shall

also discharge the liquidator of hostile firms from all personal liability, if any, in respect of the property disclaimed, as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of releasing the hostile firm and the liquidator of hostile firms from liability, affect the rights or liabilities of any other person.

Disclaimer of leaseholds.

12. The liquidator of hostile firms shall not be entitled to disclaim any leasehold interest without leave of the Local Government, and the Local Government may before granting such leave require such notice to be given to persons interested, and impose such terms as the condition of granting leave as the Local Government may think just

Power to call on liquidator to disclaim.

13. The liquidator of hostile firms shall not be entitled to disclaim any property in pursuance of rule 12 in any case where an application in writing has been made to him by any person interested in the property requiring him to decide whether he will disclaim, and the liquidator of hostile firms has for a period of twenty-eight days after the receipt of the application, or such extended period as may be allowed by the Government, declined or neglected to give notice that he disclaims the property; and in the case of a contract, if such liquidator after such application as aforesaid does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

Exclusion of claims of hostile foreigners.

14. In a winding up under the Ordinance, the claims of creditors who are not hostile foreigners are to be paid if there are sufficient assets, irrespective of the claims of hostile foreigners, and no provision is to be made for these latter by way of dividend or otherwise.

Proof of debts.

15. Subject as aforesaid, every creditor shall prove his debt, unless the Local Government in any particular winding up shall give directions that any creditors or class of creditors shall be admitted without proof.

Mode of proof.

16. A debt may be proved in any winding up by delivering or sending through the post to the liquidator of hostile firms an affidavit verifying the debt.

Verification of proof.

17. An affidavit proving a debt may be made by the creditor himself or by some person authorised by, or on behalf of, the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

Contents of proof.

18. An affidavit proving a debt shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. the liquidator of hostile firms, to whom the proof is sent, may at any time call for the production of the vouchers.

Statement of security.

19. An affidavit proving a debt shall state whether the creditor is or is not a secured creditor.

Costs of proof.

20. A creditor shall bear the cost of proving his debt, unless Government otherwise orders.

Discounts.

21. A creditor proving his debt shall deduct therefrom all trade discounts, but he shall not be compelled to deduct any discount not exceeding 5 per cent on the net amount of his claim which he may have agreed to allow for payment in cash.

Periodical payments.

22. When any rent or other payment falls due at stated periods, and the order to wind up is made at any time other than one of those periods, the persons entitled to the rent or payment may prove for a proportionate part thereof up to the date of the winding up order as if the rent or payment grew due from day to day :

Provided that where the liquidator of hostile firms remains in occupation of premises let to a hostile firm which is being wound up, nothing herein contained shall prejudice or affect the right of the landlord to claim payment by the hostile firm of rent during the period of occupation by the hostile firm or the liquidator as the case may be.

Interest.

23. On any debt or sum certain, payable at a certain time or otherwise whereon interest is not reserved or agreed for, and which is overdue at the date of the winding up order, the creditor may prove for interest at a rate not exceeding 4 per cent per annum up to that date from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and if payable otherwise, then from the time when a demand in writing has been made giving notice that interest will be claimed from the date of demand until the time of payment.

Notice to creditors to prove.

24. Unless otherwise ordered by the Local Government, the liquidator of hostile firms in any winding up may, from time to time, fix a certain day which shall be not less than twenty-one days from the date of notice on or before which the creditors of the hostile firm are to prove their debts or claims, or to be excluded from the benefit of any distribution made before such debts are proved, and the liquidator of hostile firms shall give notice in writing of the day so fixed by advertisement in such newspaper as he shall consider convenient.

Examination of proof.

25. The liquidator of hostile firms shall examine every proof of debt lodged with him, and the grounds of the debt, and in writing admit or reject in whole or in part, or require further evidence in support of it.

Appeal by creditor.

26. If a creditor is dissatisfied with the decision of the liquidator of hostile firms in respect of a proof, the Government may, on the application of the creditor, reverse or vary the decision.

Dividends to creditors.

27. (*1*) Not more than two months before declaring a dividend, the liquidator of hostile firms

shall give notice of his intention to do so by advertisement in such newspapers as he thinks fit. Such notice shall specify the latest date up to which proofs can be lodged, which shall not be less than twenty-one days from the date of such notice.

(2) Where any creditor after the date mentioned in the notice of intention to declare a dividend as the latest date up to which proofs may be lodged, appeals against the decision of the liquidator of hostile firms rejecting a proof, notice of appeal shall, subject to the power of the Local Government to extend the time in special cases, be given within seven days from the date of the notice of decision against which the appeal is made, and the liquidator of hostile firms may in such cases make provision for the dividend upon such proof and the probable costs of such appeal in the event of the proof being admitted. Where no notice of appeal has been given within the time specified in this rule, the liquidator of hostile firms shall exclude all proofs which have been rejected from participation in the dividend.

(3) Immediately after the expiration of the time fixed by this rule for appealing against the decision of the liquidator of hostile firms, he shall proceed to declare the dividend, and shall send a notice of dividend to each creditor whose proof has been admitted.

Payments into and out of a Bank.

28. All moneys received by a liquidator of hostile firms shall be paid into such Bank as the Government may direct to the credit of an account entitled "The Hostile Firms Liquidation Account", and all payments out of such account shall be made in such manner as the Government may direct.

Payments out of assets.

29. The assets of a hostile firm in a winding up under the Ordinance shall be liable to the following payments, which shall be made in the following order of priority, namely :—

Firstly.—Such fees as the Governor General in Council may approve in respect of the services of the liquidator of hostile firms.

Next.—The actual expenses incurred in realising or getting in the assets.

Next.—The necessary disbursements of the liquidator of hostile firms other than the actual expenses of realisation heretofore provided for.

Next.—The costs of any person employed under the general or special sanction of Government, or in accordance with these rules by the liquidator of hostile firms.

Next.—The dividend payable to creditors who are not hostile foreigners and whose proofs have been admitted.

Disposal of surplus.

30. Any surplus remaining after making the payments in the last preceding clause mentioned shall be held by the Custodian to be dealt with by him as the Governor General in Council may direct.

General order not to override special order.

31. Nothing in the foregoing general order shall be construed to override or conflict with any special order which the Governor General in Council may make in regard to the winding up of any hostile firm.

X of 1897.

Interpretation of the order.

32. The General Clauses Act, 1897, shall apply for the purposes of the interpretation of these rules in like manner as it applies for the purposes of the interpretation of an Act of the Governor General in Council.

C. E. LOW,
Secretary to the Government of India.

1056CID—1145—23-7-16—GCBP Simla

Dated Simla, the 27th June 1916.

Notification by the Government of India, Legislative Department.

An Ordinance to prohibit or control trading by hostile foreigners and hostile firms and for other purposes.

WHEREAS an emergency has arisen which makes it necessary to take powers further to prohibit or control trading by hostile foreigners and hostile firms and for other purposes;

Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance:— 5 and 6 Geo., V., Ch. 61.

Ordinance No. V of 1916.

Short title.

1. This Ordinance may be called the Enemy Trading Ordinance, 1916.

Definitions.

2. In this Ordinance —

"Company" means any company, firm or association, or body of individuals whether incorporated or not;

"Hostile foreigner" means a subject of a State for the time being at war with His Majesty, and includes any company constituted according to the laws of such State, and the ruler or government of any such State; and

"Hostile firm" means any of the following, namely,—

(*a*) any hostile foreigner who has, or at any date subsequent to the 3rd day of August, 1914, had, an office, agency or place of business in British India;

(*b*) any company of which any member or officer is a hostile foreigner, or of which a hostile foreigner was a member or officer on the 3rd day of August, 1914, and which has or has had since that date an office, agency or place of business in British India;

(*c*) any person, or company who or which has, at any time since the 3rd day of August, 1914, carried on business in British India, and whose business is, or was, in the opinion of the Governor General in Council, either by reason of its nature or of the persons who carry or carried it on, or for any other cause whatsoever, carried on either under the control whether direct or indirect of any hostile foreigner, or carried on wholly or mainly for the benefit of hostile foreigners generally, or any class of hostile foreigners or any individual hostile foreigner.

Power to appoint Inspectors.

3. (1) The Governor General in Council may, by general or special order, appoint Inspectors for the purpose of determining whether any business is or was carried on by a hostile firm within the meaning of this Ordinance.

(2) The Inspector may summon before him any person whom he believes to be capable of giving information concerning the trade, dealings, affairs or property of such business, and of the antecedents and nationality of those by whom it is or was carried on or controlled.

(3) The Inspector may examine such person on oath concerning the same, and may reduce his answers to writing, and require him to sign them.

(4) The Inspector may require such person to produce any documents in his custody or power in any way relating to such business or to the persons by whom it is or was carried on or controlled.

(5) If any person so summoned refuses to come before the Inspector at the time appointed, the Inspector may cause him to be apprehended and brought before him for examination.

(6) If any person refuses to answer any question or to produce any document, which under this section the Inspector is empowered to ask or require production of, such person shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Power to prohibit or restrict, or wind up hostile firms.

4. (1) The Governor-General in Council may make an order either -

(*a*) prohibiting any hostile firm from carrying on business except for the purposes and subject to the conditions, if any, specified in the order ; or

(*b*) requiring the business of such firm to be wound up ; and may in any case, where he has made an order prohibiting or limiting the carrying on of the business, at any time if he thinks it expedient, substitute for that order an order requiring the business to be wound up.

(2) Every order made under sub-section (1) shall be published by notification in the *Gazette of India*.

(3) If any person contravenes the provisions of any order made under this section, he shall be punishable with imprisonment which may extend to one year, and shall also be liable to fine.

(4) An order made under this section shall continue in force, notwithstanding the termination of the present war, until determined by order of the Governor-General in Council.

Winding up order.

5. (1) Where the Governor-General in Council makes an order under this Ordinance requiring a business to be wound up, the order shall, on notification in the *Gazette of India*, have effect as if it were a winding up order made by a Court under the Indian Companies Act, 1913, and the provisions of that Act relating to winding up by the Court and the rules made thereunder subject to such exceptions, restrictions, extensions, modifications and adaptations as the Governor-General in Council may by general or special order, prescribe, or such other rules as may be prescribed by him, shall apply to the winding up of the business :

VII of 1913.

Provided that, for the purposes of any winding up order under this Ordinance, all powers exercisable by the Court under the said Act shall be exercisable by the Governor-General in Council or by such other authority as he may appoint either generally or specially in that behalf :

Provided also that the assets of the business and any money resulting from the realization of any part thereof shall be dealt with in accordance with such rules as the Governor-General in Council may make in that behalf.

(2) Where an order has been made under this Ordinance directing the winding up of the business of a hostile firm, the hostile firm shall not, nor shall any other person, commence or initiate, whilst that order remains in force, any other proceedings of a like nature or calculated in any way to interfere with the carrying out of such order.

Contracts or transfers against the public interest.

6. Where it appears to the Governor-General in Council that a contract entered into before or during the war, or a transfer of property, moveable or immoveable, made during the war, with or by a hostile foreigner or a hostile firm is injurious to the public interest, or was made with the object of evading any provision of the law, the Governor-General in Council may by order cancel or determine such contract, either unconditionally or upon such conditions as he thinks fit, or declare such transfer to be void either in whole or in part, or may impose such conditions on the transferee as he thinks fit.

Power of the Governor-General in Council to vest property in Custodian under the Enemy Trading Act, 1915.

7. (1) The Governor-General in Council in any case where it appears to him to be expedient to do so may by order vest in any Custodian appointed under the Enemy Trading Act, 1915, any property, moveable or immoveable, belonging to or manged or held whether in trust or otherwise, for, or on behalf of, a hostile foreigner, a hostile firm, or any firm or any person or company residing in, or carrying on business in the dominions of, a State, at war with His Majesty, or the right to transfer that property, and may by any such order or any subsequent order confer on the Custodian such powers of selling, managing and otherwise dealing with the property as to the Governor-General in Council may seem proper.

XIV of 1915.

(2) A vesting order under this section shall, notwithstanding the provisions of any other law to the contrary, be sufficient to vest in the Custodian any property or the right to transfer any property as provided by the order without the necessity of any further document.

(3) Where, in the exercise of the powers conferred on him by the Governor-General in Council, the Custodian proposes to sell any shares or stock forming part of the capital of any company or any securities issued by the Company in respect of which a vesting order under this Ordinance has been made, the company may, with the consent of the Governor-General in Council, purchase the shares, stock or securities, notwithstanding anything to the contrary in any law or in any regulation of the company, and any shares, stock or securities so purchased may, from time to time, be re-issued by the company.

(4) The transfer by the Custodian of any property shall be conclusive evidence in favour of the transferee and of the Custodian that the requirements of this section have been complied with.

(5) All property vested in the Custodian under this section and the proceeds of the sale of, or money arising from, any such property, shall be dealt with by him in accordance with such directions as he may receive from the Governor-General in Council; and no such property or money shall be liable to be attached or otherwise taken in execution.

Validity of vesting orders.

8. Where a vesting order has been made under this Ordinance as respects any property belonging to, or held or managed for, or on behalf of, a person who appeared to the Governor-General in Council to be a person to whom the provisions of section 7 were applicable, the order shall not, nor shall any proceedings thereunder or in consequence thereof, be invalidated or affected by reason only of such person having, prior to the date of the order, died or ceased to be a person to whom the said provisions were applicable, or subsequently dying or ceasing to be such a person or by reason of its being subsequently ascertained that he was not such a person, as the case may be.

Registration of transfer without production of certificates, etc.

9. Where the Custodian executes a transfer of any shares, stock or securities which he is empowered to transfer by a vesting order made under this Ordinance, the company in whose books the shares, stock or securities are registered shall, upon the receipt of the transfer so executed by the Custodian, and upon being required by him so to do, register the shares, stock or securities in the name of the Custodian or other transferee, notwithstanding any regulation or stipulation of the company, and notwithstanding that the Custodian is not in possession of the certificate, scrip or other document of title relating to the shares, stock or securities transferred; but such registration shall be without prejudice to any lien or charge in favour of the company or to any other lien or charge of which the Custodian has express notice.

Power to make rules.

10. (1) The Governor-General in Council may make rules for all or any of the following purposes, namely:—

(*a*) providing for the distribution or disposal of any assets, or any money resulting from the realization of any part thereof, of any business in respect of which a winding up order has been made under this Ordinance;

(*b*) prescribing that hostile foreigners and hostile firms or any class of hostile foreigners or hostile firms shall, when required by the Custodian, furnish to him such particulars as he may require of all or any moveable or immoveble property in their possession, or under their control whether direct or indirect;

(*c*) requiring persons in British India to furnish to the Custodian such particulars as he may require of all or any class of debts or other property due by them to any person to whom the provisions of section 7 are or may be applicable;

(*d*) prescribing the remuneration payable to the Custodian in respect of his duties under this Ordinance, the fund from which it shall be paid, and the method of collecting the same; and

(*e*) generally for carrying out the purposes of this Ordinance.

(2) In making any rule under this section, the Governor-General in Council may direct that a breach of it shall be punishable with imprisonment which may extend to a term not exceeding six months, or with fine which may extend to one thousand rupees or with both.

Certain licenses under the Hostile Foreigners (Trading) Order to be deemed to be orders issued under section 4 (1) (*a*).

11. Every license for the time being in force granted under the Hostile Foreigners (Trading) Order permitting the licensee to trade or carry on business subject to conditions or restrictions shall be deemed to be an order made under section 4 (1) (*a*) of this Ordinance, and this Ordinance shall have effect accordingly.

Power to deal with non-trading companies.

12. (1) The Governor-General in Council may, by notification in the *Gazette of India*, declare that the powers conferred by section 7 in regard to the property, moveable or immoveable, of the persons referred to therein shall extend to the property, moveable or immoveable, in British India, of any company specified in such notification of which any member is a hostile foreigner or of which a hostile foreigner was a member or officer on the 3rd day of August 1914, notwithstanding that such company is not a company trading in British India.

(2) On the publication of a notification under sub-section (1), the company shall be deemed to be a person referred to in section 7 of this Ordinance, and this Ordinance shall have effect accordingly.

Validation of past action.

13. Any act done after the 3rd day of August 1914 by, or under the orders of, any officer of Government in respect of the property, moveable or immoveable, of any hostile foreigner or hostile firm which, if this Ordinance had been in force, could have been validly done in the exercise of the powers conferred thereby, or which could have been conferred thereunder, is hereby validated.

CHELMSFORD,

Viceroy and Governor-General.

A. P. MUDDIMAN,

Secretary to the Government of India.

G. M. Press, Simla.—No. C280(w)E.D.—24-7-16.—115—S.A.

G. R. S. 26]

Diary No. of letter replied to

General and Revenue Secretariat
( )
, *the* 191

Date of issue

Signed by

Gh. File No. 74-16
Serial No. 17

No. G 4479-16

To

The District Magistrate, Salem

Sir,

I am directed to forward here
with an extract of paragraph 2 of
the Enemy Trading Ordinance V of 191
of the Govt of India and to enquire
whether there are any firms in your
dt which would come within the
definition of 'hostile firm' given therei
The favour of a very early reply is reques

I have to

Yours obedt servt

SUBJECT.

3303

1916-1917
SECTION G.M.
FILE NO 174 16

Office of the District Magistrate,
Kolar District,
Dated Kolar, the 3rd October 1916.

From

P. F. Bowring, Esquire., J.P.,
District Magistrate, Kolar District.

To

D.I. Narasinga Rao, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
General Department, Bangalore.

Sir,

In reply to your letter No.G.4479-66G.M.174-16-17 dated 2nd October 1916, I have the honor to state that there are no firms in this District coming within the definition of 'hostile firm' as given therein.

I have the honor to be,
Sir,
Your most obedient servant,

P.F. Bowring

District Magistrate
Kolar District.

GEN. 4 Cyl

5 OCT 1916

W.D. 0944—GPB—6,00,000—19-5-16—S.

1916

From

The District Magistrate
Kolar District

To

The Secretary to the
Government of Mysore
General Department
Bangalore

Dated

Despatched

Received 3.10.1916

General No. 6
No.

Enclosure No.

Stating that there are
no firms in this District
as coming within
the definition of 'Hostile
Firm' referred to
in the letter.

Office of the District Magistrate,

Tumkur District,

Dated Tumkur, 7th October 1916.

3305

19
SECTION
FILE NO.
SERIAL NO.

T. Chandy, Esqr., B.A.,

Deputy Commissioner & District Magistrate,

Tumkur District.

C.P. Narasinga Rao, Esqr., M.A., B.L.,

Secretary to the Government of His Highness the

Maharaja of Mysore, General Department,

Bangalore.

Sir,

In reply to your letter No. 4479-86/G.M.174-16-17, dated October 1916, enquiring about the existence of any hostile firms in District, I have the honour to reply in the negative.

I have the honour to be,

S i r,

Your most obedient servant,

a. [illegible]

DISTRICT MAGISTRATE,

TUMKUR DISTRICT.

GPB—50,000—17-9-15

19 16-17 12 OCT 1916

From

The District Magistrate,
Tumkur District.

To

The Secretary to the Government
of Mysore, General Department
Bangalore.

Dated 7th October 1916.

Despatched

Received

General No. 4 Dis 42/16-17

No.

Enclosure No.

(Judl)

Office of the Deputy Commissioner,

Dated Shimoga 21st October 1916.

From

A. Subramanya Iyer, Esquire, B.A.,
Deputy Commissioner and District Magistrate
Shimoga District.

DIARY NO. 3566 To

D.V. Narasinga Rao, Esquire, B.A., B.L.,
Secretary to the Government of Mysore,
General Department,
Bangalore.

Sir,

Adverting to your letter No. G.4479-86/Gm.174-16-17 dated 2nd October 1916 enquiring if there are any firms in this District which would come within the definition of "hostile firm" as given in para 2 of the enemy trading ordinance V of 1916 of the Government of India, I have the honor to state that there are no such firms in this District.

I have the honor to be,

Sir,

Your most obedient servant,

Deputy Commissioner & Dist Magistrate
Shimoga District.

GEN & F CELL
22 OCT 1916

1916-17

From

The Deputy Commissioner,
Shimoga District.

To

The Secretary to the Government of Mysor
General Department, Bangalore.

Dated 21st October 1916.

Despatched

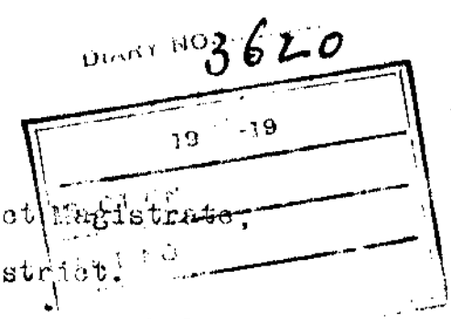
Received

General No. H.C.141 (Judl)
No.

Enclosure No.

States that there are no firms that come within the definition of "ho firms" in this District.

R. Dis. No. 58 Misl of 1916-17.



16

Office of the District Magistrate,
Chitaldrug District.
Dated Chitaldrug, 21st October 1916.
23

T. S. Balasundaram Iyer, Esquire, B.A.,
District Magistrate,
Chitaldrug District.

D. V. Narasinga Rao, Esquire, B.A.,B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
General Department,
B a n g a l o r e.

With reference to your letter No.4479-86/G.M.174-16-17 dated 2nd instant, I have the honor to state that there are no firms in this District which would come within the definition of "Hostile firm" given in the Enemy Trading Ordinance V of 1916 of the Government of India.

I have the honor to be,
Sir,
Your most obedient servant,

M. S. Narayana Rao
Treasury Assistant Commissioner,
For District Magistrate,
Chitaldrug District.
(absent from station).

GPB—50,000—17—15

1916

From The District Superintendent
(G)
24 OCT 1916 Civil & Military District

To The Secretary to the Govt of
H. H. the Maharaja of Mysore
General Department
Bangalore.

Dated 23d
Despatched } October 1916.
Received

General No. D. Dis. 58 Jud of 1916-1
No.

Enclosure No.

Stating that there are n
firms in this district which
would come within the defini-
tion "Hostile firm" given in t
Enemy Trading Ordinance V of
1916 of the Government of India

17

Office of the District Magistrate,

Bangalore District.

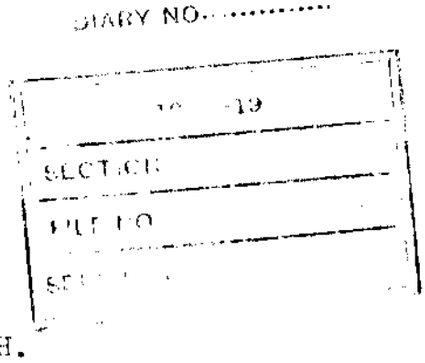
Dated Bangalore, 31st October '16.

From

K.R.Srinivasa Iyengar, Esq.,M.A.,

District Magistrate,

Bangalore District.



To

D.M.Narasinga Rao, Esq.,B.A.,B.L.,

Secretary to the Government of H.H.

the Maharaja of Mysore, General Department.

Sir,

With reference to your letter No.G.4479-86/G.M.174-16-17 dated 2nd October 1916 enquiring whether there are any firms in the District which would come within the definition of -- "Hostile firm", I have the honor to state that it is ascertained from enquiries made that there are no firms in the District which would be styled as "Hostile Firm" as defined in the enclosure to your letter.

I have the honor to be,

Sir,

Your most obedient servant.

District Magistrate,
Bangalore District.

NOV 1916

19 16-17.

From

The District Magistrate,

Bangalore District.

To

The Secretary to the Govt.
of Mysore, Genl. Dept.

Dated 31/10/1916.

Despatched

Received

General No.
No.

Enclosure No.

States that it is ascertained from enquiries made that there are no'Hostile Firms'in the -- Bangalore District.

GPB—1 50,000—20.2.71

Deputy Commissioner's Office, Hassan District.

Dated Hassan, 1st. November 1918.

To,

T. Krishna Iyer, Esquire,

District Magistrate,

Hassan District.

DIARY NO.....
19 -19
SECTION
FILE NO.

D. B. Narasinga Rao, Registrar, M.A., B.L.,

Secretary to the Government of

H. H. the Maharaja of Mysore,

General Department,

Bangalore.

Sir,

With reference to your letter No.G.4479-86/C.W.174-[illegible] dated 2nd October 1918 enquiring whether there are [illegible] in this District which would come within the [illegible] of "Hostile Firms", I have the honor to report [illegible] such firms in this District.

I have the honor to be,

Sir,

Your most obedient servant,

T. Krishna Iyer

District Magistrate,

Hassan.

W.D.No.1044—GPB—5,00,000—19-5-16—S.

No. 191 & 17.

From

K. Krishna Iyer, Esquire,
District Magistrate,

Hassan District.

To

B. Narasinga Rao, Esq., B.A., B.L.,
Secretary to the Government of
H.H. the Maharaja of Mysore,
Revenue Department,
Bangalore.

Dated 18th November 1916.

Despatched

Received

General No.

No.

Enclosure No. Nil.

SUBJECT.

Submitting a report that there are no such firms in this District as would come within the definition of "Hostile Firm"

Office of the Deputy Commissioner,

Kadur District.

Dated Chikmagalur, 3rd November 1916.

DIS 3997 19

16 1917

SECTION

FILE NO 174-16

SERIAL

B. Ramaswamaiya, Esq., B.A., B.L.,

Offg. Deputy Commissioner,

Kadur District.

D.M. Narasinga Rao, Esq., B.A., B.L.,

Secretary to the Government of Mysore,

General Department,

Bangalore.

Sir,

Referring to your letter No.G.4479-86/G.M. 174-16-17 dated the 2nd October 1916 enquiring whether there are any firms in this District which would come within the -- definition of hostile firm, I have the honour to state that it has been reported that there are no such firms in this District.

I have the honour to be,

Sir,

Your most obedient servant,

B Ramaswamaiya

Offg. Deputy Commissioner,

Kadur District.

D.S.R.

W.D.—GPB—6,00,000—19-5-16—S.

NOV 1916 1916.17

From The Dy: Comr: Kohat
Dist

To The Secretary to Govt
General Dept

Dated 3
Despatched 3 Nov: 1916.
Received

General No. 2401. 502.
No. 16-17.

Enclosure No. Nil.

States that there are
no hostile firms in
this Dist

No. 44

Office of the District Magistrate, Mysore District.

Dated Mysore, 23rd November 1916.

4708

From

K. Matthan, Esquire, B. A.,
District Magistrate, Mysore District.

To

D. M. Narasinga Rao, Esquire, B. A., B. L.,
Secretary to the Government of His Highness
the Maharaja of Mysore, General Department,
B a n g a l o r e.

Sir,

With reference to your letter No. G. 4479-86/G. M. 174-15-17 dated 2nd October 1916, enquiring whether there are any firms in this District which would come within the definition of "Hostile Firms" given in paragraph 2 of the Enemy Trading Ordinance V of 1916 of the Government of India, I have the honor to state that it is reported that there are such firms in this District.

I have the honor to be,
Sir,
Your most obedient servant,

District Magistrate,
Mysore District.

GPB—50,000—17-9-16

19

NOV 1916

From

The District Magistrate,

Mysore District.

To

The Secretary to the Government,
General Department, Bangalore

Dated 23rd November 1916.

Despatched

Received

General No.

No.

Enclosure No.

Reporting that there are no hostile firms in this District.

2/23

G. R. S. 26]

File No. 174

Serial No. 26

Diary No. of letter replied to 4708

No. D. C. 5278

General and Revenue Secretariat

( )

, the 191 .

To

The F. A. Resident

Date of issue 2-11-16

Signed by [illegible] Asst.

Sir,

With reference to your letter No. 6576 of 16.9.16, I am directed to state that it is ascertained from local lists within this State any that there are no hostile firms, as defined in ~~of~~ Section 2 of the Enemy Trading Ordinance V of 1916.

~~the State falling within the Jaora~~

I have &c

Intd.

W/ 1/12/16

First Secy & Pol. Genl. Agent

over.

E

SUBJECT.